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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,113

09/09/2003

JoAnn Kay Drago

9228

7590

01/18/2007

Jim Drago
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PO Box 40
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EXAMINER

PATEL, RITA RAMESH

ART UNIT

PAPER NUMBER

1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,113

Applicant(s)

DRAGO ET AL.

Examiner

Rita R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 10/25/06. No claims have been canceled and no claims have been added. Amendments have been made to claim 1. Claims 1-8 are pending. Applicant's arguments have been considered, but are not persuasive. Thus, claims 1-8 are finally rejected for the reasons of record.

Re applicant's argument the claimed invention is directed to a multi-use appliance that provides the user ability to accomplish multiple tasks of washing produce, drying produce, dehydrating food, and washing and drying utensils with one single appliance, it is found that the apparatus of Price is considered to be "one single appliance" in its entirety and thus reads on applicant's claim for an appliance that can be utilized to accomplish multiple tasks.

Secondly, applicant argues that the Examiner does not describe how it would have been obvious to one of ordinary skill in the art to utilize the Price dishwasher to dehydrate food or dry produce; Price's disclosure of heater 217 heats the incoming water and thus heats the ambient air sucked in from inlet port 222 and is directed through a blower 226 for circulation within the apparatus, thus, this reads on applicant's claim limitations of an air heater and means to circulate ambient air. See former Office Action, pg. 3, lines 5-7.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies on, specifically that Price teaches using electrolyzed tap water for sanitizing and stain

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removal, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, in response to applicant's claim limitations for an air heater means for heating ambient air and the appliance can be utilized to accomplish multiple tasks are merely a recitation of the intended use of the claimed invention and fail to result in a claimed structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Evidence by applicant must be reasonably commensurate in scope with the claimed invention. See, e.g., *In re Kulling*, 897 F.2d 1147, 1149, 14 USPQ2d 1056, 1058 (Fed. Cir. 1990); *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 777 (Fed. Cir. 1983). Applicant's argument's are not commensurate in scope and thus, are not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al. herein referred to as Price (Pub. No.: US 2003/0213505 A1).

Price teaches an energy efficient automatic dishwashing appliance with a main body cover 227, door 306, rack 218 therein for holding items to be washed, and a porous basket 174 within the cavity of the appliance. Although Price depicts a single rack/shelf in Figure 1, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate multiple rack/shelving units within said apparatus. It is well known in the art of such cleaning apparatuses to incorporate multiple holding racks/shelves therein to organize and hold an increased number of items to achieve efficient cleaning; thus allowing larger cleaning loads, diminution of time to wash equal amounts of objects therein, and minimization of financial and environmental costs. It is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 124 USPQ 378 (CCPA 1960).

Moreover, a tap water line 201 is coupled to valve 204 for controlling dispersion of liquid to the interior of the unit. Heater 217 heats the incoming water and thus heats the ambient air sucked in from air inlet port 222 and is directed through a blower 226 for circulation within the apparatus. Recirculated wash/rinse liquor 230 is notably combinable with the tap water line 201 within the washing chamber; the recirculated rinse 230 is controllably released into the system by valve 232, thus reading on applicant's limitations for a mixing valve means to turn on and off communication with hot and cold water lines to achieve desired temperatures. A porous basket 174 may hold a variation of detergents therein for dissemination into the washing chamber for cleansing (Paragraphs [0141-0143]). Moreover, Price teaches not only that chlorine gas can be generated dissolves or diffuses into the water, it can be understood that

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other various halogenated mixed oxidants that can form include oxide molecules, including ozone (Paragraph [0165]) which may similarly may be dissolved/diffused into the water; hence reading on applicant's claim for an in-line ozone generator which communicates with water to the inside of said unit. Circulating pump 214 reads on applicant's claim for a pressure pump. Price teaches a plurality of washing water injection openings 216, which are provided on washing nozzle 215. The Price appliance can further comprise a means for communicating to the user via a CPU (Paragraph [0216]). Also, washing/rinsing operations may be carried out by control of a microcomputer (Paragraph [0059]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sweeney (US Patent No. 5,928,490) discloses a laundry wash process and waste water treatment system with an air heater, inlet water line, pressure pump, an in-line ozone generator, means for distribution of fluid within the interior of the apparatus, and a means for controlling operations within the system.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

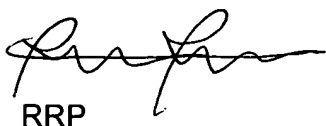
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RRP



MICHAEL BARR
SUPERVISORY PATENT EXAMINER